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REMARKS

Reconsideration of the rejection under 35 USC 112 is respectfully requested in view of the amendments to claims 13 and 14, which address the examiner's concerns.

Reconsideration of the rejections of the claims over the art of record is respectfully requested.

The courteous interview granted to the undersigned by the examiner is noted with appreciation. During the interview, it was pointed out that claim 1 is written in means-plus-function language as permitted by 35 USC 112, 6th paragraph. It was also agreed that the remaining independent claims would be amended to further define the invention.

Claim 1 includes recitation of "abutment plate means for resisting braking forces," which must be interpreted under the sixth paragraph of 35 USC 112 to mean the disclosed structure and equivalents. The disclosed abutment plate is element 4 that includes an upper portion for engaging an axle housing and a lower portion for engaging brake shoes. Thus, claim 1 must be interpreted to include at least these features.

Claims 4, 9, and 15 have been amended to recite that different materials are used for the abutment plate and the shielding plate. In the preferred embodiment, the abutment plate is made of steel while the shielding plate is made of damped steel. This construction allows the abutment plate to have the required strength while the shielding plate is damped to reduce noise arising from vibrations.

Nothing in the art of record renders the claimed invention unpatentable. The reference relied on in the rejections, Kaneshiro, teaches a backing plate made entirely of damped steel and does not teach the concept of a separate abutment plate. Thus, the Kaneshiro structure suffers

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from the disadvantages set out in the specification at paragraph 21 wherein it is explained that it is not practical to use damped steel for the entire backing plate.

It is submitted that the elements 3, 5, and 6, which are pointed to in the office action as constituting the abutment plate do not correspond to the structure described in the specification as the abutment plate because they do not attach to a housing and cannot by themselves resist the braking forces. Instead, these elements are simply attached to the damped steel backing plate and rely on that plate for strength. As noted, that requires making the damped steel plate too thick and reduces the ability of the damped steel to absorb vibrations.

Accordingly, it is submitted that this application is in condition for allowance, and an early indication thereof is respectfully requested. The examiner is invited to contact the undersigned if any matter remains outstanding.

All necessary extensions of time are requested. Please charge any necessary fees and credit any excess to deposit account 50-1088.

Respectfully Submitted,
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